

JOURNAL OF THE SENATE

EIGHTY-NINTH SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, March 6, 2014

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Dan Bader, followed by the Pledge of Allegiance led by Senate page Jennifer Palmer.

Roll Call: All members present except Sen. Ewing who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

March 3, 2014

The Honorable Matt Michels
President of the Senate
State Capitol
Pierre, SD 57501

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Chapter 5-12 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have appointed James J. Breckenridge, Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Building Authority.

This appointment is effective immediately, and shall continue until January 15, 2018.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the appointment to the Committee on State Affairs.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 21, 22, 24, 63, 87, 104, 122, 154, 161, and 182 and finds the same correctly enrolled.

Also MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 4, 19, 40, 41, 42, 43, 45, 47, 48, 49, 51, 74, 98, 103, 147, 150, 152, and 171 were delivered to his Excellency, the Governor, for his approval at 9:15 a.m., March 6, 2014.

Respectfully submitted,
Corey Brown, Chair

1 Also MR. PRESIDENT:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 HB 1175 and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Deb Peters, Chair

6 Also MR. PRESIDENT:

7 The Committee on Education respectfully reports that it has had under consideration
8 HB 1071 and returns the same with the recommendation that said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Education respectfully reports that it has had under consideration
11 HCR 1032 and returns the same with the recommendation that said resolution be concurred in
12 and be placed on the consent calendar.

13 Also MR. PRESIDENT:

14 The Committee on Education respectfully reports that it has had under consideration
15 HB 1249 and returns the same with the recommendation that said bill be amended as follows:

16 1249jc

17 On page 2, line 1, of the House Education Committee engrossed bill, delete everything
18 after "lunch" .

19 On page 1, line 2, delete everything before "." .

20 And that as so amended said bill do pass.

21 Also MR. PRESIDENT:

22 The Committee on Education respectfully reports that it has had under consideration
23 HB 1075 which was tabled.

24 Respectfully submitted,
25 Deb Soholt, Chair

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration
3 HB 1127, 1161, and 1169 and returns the same with the recommendation that said bills do pass.

4 Also MR. PRESIDENT:

5 The Committee on Judiciary respectfully reports that it has had under consideration
6 HB 1063 and returns the same with the recommendation that said bill do pass and be placed on
7 the consent calendar.

8 Also MR. PRESIDENT:

9 The Committee on Judiciary respectfully reports that it has had under consideration
10 HB 1122 and returns the same with the recommendation that said bill be amended as follows:

11 1122yb

12 On the House engrossed bill, delete everything after the enacting clause and insert:

13 "Section 1. Terms used in this Act mean:

14 (1) "Interstate compact," a voluntary arrangement between two or more states that
15 becomes the law of each state;

16 (2) "Red light camera," an automated camera used to capture an image of a vehicle
17 entering an intersection when the traffic light is signaling red;

18 (3) "Speed camera," an automated camera used to measure and record the speed of
19 vehicles for the purpose of capturing an image of a vehicle that is traveling in excess
20 of the posted speed limit;

21 (4) "Civil fine," a financial penalty imposed by a governmental entity that is imposed
22 without proving the violation, beyond a reasonable doubt, to a court of law or duly
23 impaneled jury.

24 Section 2. The Department of Public Safety and the Division of Motor Vehicles shall not
25 enter into any compact to provide to another state, or governmental entity located in another
26 state, information used to impose or collect a civil fine that results from an alleged violation
27 captured by a red light camera or speed camera.

28 Section 3. The Department of Public Safety and the Division of Motor Vehicles shall not
29 provide information used to impose or collect a civil fine that results from a violation captured
30 by a red light camera or speed camera through any existing interstate compact that does not
31 specifically allow, or require, information to be shared for that explicit purpose."

1 1122ytb

2 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "define the
3 limitations of interstate compacts relating to the collection of civil fines.".

4 On page 1, delete line 2.

5 And that as so amended said bill do pass.

6 Respectfully submitted,
7 Craig Tieszen, Chair

8 **MESSAGES FROM THE HOUSE**

9 MR. PRESIDENT:

10 I have the honor to return herewith SB 7, 183, 2, 3, and 163 which have been amended by
11 the House and your concurrence in the amendments is respectfully requested.

12 Also MR. PRESIDENT:

13 I have the honor to return herewith SB 21, 22, 24, 87, 104, 122, and 161 which have passed
14 the House without change.

15 Respectfully,
16 Arlene Kvislen, Chief Clerk

17 **MOTIONS AND RESOLUTIONS**

18 SENATE PAGE RESOLUTION 4 Introduced by: Senators Begalka; Bradford; Brown;
19 Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman, Phyllis; Holien; Hunhoff, Jean; Jensen;
20 Jones, Chuck; Jones, Tom; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup, Al;
21 Omdahl; Otten, Ernie; Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann;
22 Tieszen; Van Gerpen; Vehle; Welke; White

23 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Eighty-ninth
24 Legislature of the State of South Dakota to Natalie Beranek, Chase Conrad, Catherine
25 Dougherty, Sunny Gaughen, Noele Gross, Connor McNenny, Seth Miller, Karina Noem,
26 Jennifer Palmer

27 WHEREAS, the above named served loyally as pages for the Senate of the Eighty-ninth
28 Legislative Session; and

1 WHEREAS, the members of the Eighty-ninth Senate express their most sincere
2 appreciation to these young people for their service to the state; and

3 WHEREAS, the members extend to these young people their wishes for every success in
4 life:

5 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-ninth Legislature
6 of the State of South Dakota, that a personal copy of this resolution be duly certified and
7 furnished to each page on this last day of service.

8 Sen. Solano moved that Senate Page Resolution 4 be adopted.

9 The question being on Sen. Solano's motion that Senate Page Resolution 4 be adopted.

10 And the roll being called:

11 Yeas 34, Nays 0, Excused 1, Absent 0

12 Yeas:

13 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Frerichs; Heineman (Phyllis); Holien;
14 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
15 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
16 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

17 Excused:

18 Ewing

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 President declared the motion carried.

21 Sen. Rave moved that HCR1031 be deferred to Monday, March 10, the 33rd legislative day.

22 Which motion prevailed.

23 There being no objection, the Senate proceeded to Order of Business No. 15.

24 ANNOUNCEMENT

25 The President announced the Conference Committee on HB 1069 will meet at 12:00 noon
26 on Monday, March 10, the 33rd Legislative Day in room LCR 2.

1 **CONSIDERATION OF EXECUTIVE APPOINTMENT**

2 The Senate proceeded to the consideration of the executive reappointment of James E.
3 Putnam of Douglas County, Armour, South Dakota, to the South Dakota Lottery Commission.

4 The question being "Does the Senate advise and consent to the executive reappointment
5 of James E. Putnam pursuant to the executive message as found on page 234 of the Senate
6 Journal?"

7 And the roll being called:

8 Yeas 33, Nays 0, Excused 2, Absent 0

9 Yeas:

10 Begalka; Bradford; Brown; Curd; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;
11 Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
12 (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton;
13 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

14 Excused:

15 Buhl O'Donnell; Ewing

16 So the question having received an affirmative vote of a majority of the members-elect, the
17 President declared the reappointment confirmed.

18 **CONSIDERATION OF REPORTS OF COMMITTEES**

19 Sen. Rave moved that the reports of the Standing Committees on

20 State Affairs on SCR 6 as found on page 547 of the Senate Journal; also

21 Appropriations on HB 1039 as found on page 544 of the Senate Journal; also

22 Appropriations on HB 1041 as found on page 545 of the Senate Journal; also

23 Health and Human Services on HB 1162 as found on page 546 of the Senate Journal; also

24 State Affairs on HB 1142 as found on page 547 of the Senate Journal; also

25 State Affairs on HB 1177 as found on page 549 of the Senate Journal; also

1 Health and Human Services on HCR 1028 as found on page 545 of the Senate Journal be
2 adopted.

3 Which motion prevailed.

4 There being no objection, the Senate reverted to Order of Business No. 5.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Commerce and Energy respectfully reports that it has had under
8 consideration HB 1166 and returns the same with the recommendation that said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Commerce and Energy respectfully reports that it has had under
11 consideration the nomination of Stanley Porch of Wanblee, South Dakota, to the South Dakota
12 Ellsworth Development Authority and returns the same with the recommendation that the
13 Senate advise and consent to the confirmation of said reappointment and be placed on the
14 consent calendar.

15 Also MR. PRESIDENT:

16 The Committee on Commerce and Energy respectfully reports that it has had under
17 consideration HB 1257 which was deferred to the 41st Legislative Day.

18 Respectfully submitted,
19 Ried S. Holien, Chair

20 Also MR. PRESIDENT:

21 The Committee on Agriculture and Natural Resources respectfully reports that it has had
22 under consideration HCR 1029 and 1030 and returns the same with the recommendation that
23 said resolutions do be concurred in.

24 Also MR. PRESIDENT:

25 The Committee on Agriculture and Natural Resources respectfully reports that it has had
26 under consideration the nomination of Scott Vance of Meade County, Faith, South Dakota, to

1 the State Brand Board and returns the same with the recommendation that the Senate advise and
2 consent to the confirmation of said reappointment.

3 Also MR. PRESIDENT:

4 The Committee on Agriculture and Natural Resources respectfully reports that it has had
5 under consideration HCR 1025 which was tabled.

6 Respectfully submitted,
7 Shantel Krebs, Chair

8 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

9 Sen. Rave moved that HB 1143, 1025, 1046, 1038, 1206, 1129, 1164, 1213, 1045, 1019,
10 1099, 1148, 1111, and 1112 be deferred to Monday, March 10, the 33rd legislative day.

11 Which motion prevailed.

12 **SIGNING OF BILLS**

13 The President publicly read the title to

14 SB 21: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
15 collection and setting of 24/7 sobriety program fees and regarding the monitoring of ignition
16 interlock testing.

17 SB 22: FOR AN ACT ENTITLED, An Act to authorize the issuance of citations for certain
18 livestock inspection violations.

19 SB 24: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
20 pseudoephedrine, ephedrine, or phenylpropanolamine sales.

21 SB 63: FOR AN ACT ENTITLED, An Act to protect the privacy of the records of
22 individual students.

23 SB 87: FOR AN ACT ENTITLED, An Act to make appropriations from the water and
24 environment fund, the water pollution control revolving fund subfund, and the drinking water
25 revolving fund subfund for various water and environmental purposes, and to declare an
26 emergency.

1 SB 104: FOR AN ACT ENTITLED, An Act to authorize the use of night vision equipment
2 for hunting under certain conditions.

3 SB 122: FOR AN ACT ENTITLED, An Act to provide for certain insurance coverage for
4 the treatment of hearing impairments for persons under the age of nineteen.

5 SB 154: FOR AN ACT ENTITLED, An Act to establish the Jolene's Law Task Force to
6 study the impact of sexual abuse of children in this state and to make recommendations to the
7 Legislature on policies to effectively address the issue.

8 SB 161: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to notice
9 provided by mineral developers.

10 SB 182: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to dual
11 education credit.

12 HB 1013: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
13 Authority to finance the construction of improvements in the state park system for the
14 Department of Game, Fish and Parks and to declare an emergency.

15 HB 1022: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to
16 purchase improved property in Spearfish and to make an appropriation therefor.

17 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to dam
18 maintenance and repair funding and to declare an emergency.

19 HB 1106: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
20 provisions regarding the sale of petroleum products.

21 HB 1132: FOR AN ACT ENTITLED, An Act to make a minor's school calendar the
22 reference point from which to permit employment that would not interfere with the minor's
23 education.

24 HB 1133: FOR AN ACT ENTITLED, An Act to repeal or revise certain provisions
25 concerning townships.

26 HB 1134: FOR AN ACT ENTITLED, An Act to clarify certain municipal powers.

27 HB 1150: FOR AN ACT ENTITLED, An Act to require that the pledge of allegiance to
28 the flag of the United States be recited at the start of each school day in every public school
29 classroom.

30 HB 1159: FOR AN ACT ENTITLED, An Act to revise the documentation requirements
31 for designation as a veteran on driver licenses, permits, and nondriver identification cards.

1 HB 1168: FOR AN ACT ENTITLED, An Act to provide for additional safety measures
2 on amusement rides and to provide a penalty for failure to properly insure an amusement ride
3 or device.

4 HB 1180: FOR AN ACT ENTITLED, An Act to provide that no entity that places children
5 for adoption or performs abortions may be registered as a pregnancy help center.

6 HB 1201: FOR AN ACT ENTITLED, An Act to revise the bank franchise tax
7 apportionment of income provisions.

8 HB 1212: FOR AN ACT ENTITLED, An Act to provide for fair and open competition in
9 certain governmental contracts, to prohibit the inclusion of certain terms in governmental
10 contracts and documents, and to establish a procedure to grant certain exemptions after notice
11 and a public hearing.

12 And signed the same in the presence of the Senate.

13 Sen. Solano moved that the Senate do now adjourn, which motion prevailed and at
14 1:58 p.m. the Senate adjourned.

15
Jeannette Schipper, Secretary

